

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. MCCOTTER) that the House suspend the rules and agree to the resolution, H. Res. 400, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 52, as follows:

[Roll No. 564]

YEAS—382

Abercrombie	DeFazio	Issa
Aderholt	DeGette	Istook
Akin	DeLauro	Jackson (IL)
Alexander	DeLay	Jackson-Lee
Allen	DeMint	(TX)
Andrews	Deutsch	Janklow
Baca	Diaz-Balart, L.	Jefferson
Bachus	Diaz-Balart, M.	Jenkins
Baird	Dicks	John
Baker	Dingell	Johnson (CT)
Baldwin	Dooley (CA)	Johnson (IL)
Ballance	Doyle	Johnson, E. B.
Ballenger	Dreier	Johnson, Sam
Barrett (SC)	Duncan	Jones (NC)
Bartlett (MD)	Dunn	Jones (OH)
Bass	Edwards	Kanjorski
Beauprez	Ehlers	Kaptur
Bereuter	Emanuel	Keller
Berkley	Emerson	Kelly
Berman	Engel	Kennedy (MN)
Berry	English	Kennedy (RI)
Biggert	Eshoo	Kildee
Billirakis	Etheridge	Kilpatrick
Bishop (GA)	Evans	Kind
Bishop (NY)	Everett	King (IA)
Bishop (UT)	Farr	King (NY)
Blackburn	Feeney	Kingston
Blumenauer	Ferguson	Kirk
Blunt	Filner	Klecza
Boehlert	Flake	Kline
Boehner	Foley	Knollenberg
Bonilla	Forbes	Kolbe
Bonner	Fossella	Kucinich
Bono	Frank (MA)	Lampson
Boozman	Franks (AZ)	Langevin
Boswell	Frelinghuysen	Lantos
Boucher	Frost	Larsen (WA)
Boyd	Garrett (NJ)	Larson (CT)
Bradley (NH)	Gerlach	Latham
Brady (TX)	Gibbons	LaTourette
Brown (OH)	Gilchrest	Lee
Brown (SC)	Gillmor	Levin
Brown-Waite,	Gonzalez	Lewis (CA)
Ginny	Goode	Lewis (KY)
Burgess	Goodlatte	Linder
Burns	Gordon	Lipinski
Burton (IN)	Goss	LoBiondo
Buyer	Granger	Lofgren
Calvert	Graves	Lowe
Camp	Green (TX)	Lucas (KY)
Cannon	Green (WI)	Lynch
Cantor	Greenwood	Majette
Capito	Grijalva	Maloney
Capuano	Gutknecht	Markley
Cardin	Hall	Matheson
Cardoza	Harris	Matsui
Carson (IN)	Hart	McCarthy (MO)
Carter	Hastings (FL)	McCollum
Castle	Hastings (WA)	McCotter
Chabot	Hayes	McCrery
Chocola	Hayworth	McDermott
Clyburn	Hefley	McGovern
Cole	Hensarling	McHugh
Collins	Herger	McInnis
Conyers	Hill	McIntyre
Cooper	Hinchey	McKeon
Costello	Hinojosa	McNulty
Cox	Hobson	Meehan
Cramer	Hoekstra	Meek (FL)
Crane	Holden	Meeks (NY)
Crenshaw	Holt	Menendez
Crowley	Honda	Mica
Cubin	Hooley (OR)	Michaud
Culberson	Hostettler	Millender-
Cummings	Houghton	McDonald
Cunningham	Hoyer	Miller (FL)
Davis (AL)	Hulshof	Miller (MI)
Davis (IL)	Hunter	Miller (NC)
Davis (TN)	Hyde	Miller, Gary
Davis, Jo Ann	Inslee	Miller, George
Davis, Tom	Isakson	Mollohan
Deal (GA)	Israel	Moore

Moran (KS)	Renzi	Stearns
Moran (VA)	Reynolds	Strickland
Murphy	Rodriguez	Stupak
Murtha	Rogers (AL)	Sullivan
Musgrave	Rogers (MI)	Sweeney
Myrick	Rohrabacher	Tancredo
Nadler	Ros-Lehtinen	Tanner
Napolitano	Ross	Tauscher
Nethercutt	Rothman	Tauzin
Neugebauer	Royce	Taylor (NC)
Ney	Ruppersberger	Terry
Norwood	Rush	Thomas
Nunes	Ryan (OH)	Thompson (CA)
Nussle	Ryan (WI)	Thompson (MS)
Oberstar	Ryun (KS)	Thornberry
Obey	Sabo	Tiahrt
Olver	Sanchez, Linda	Tiberi
Ortiz	T.	Tierney
Osborne	Sanchez, Loretta	Toomey
Ose	Sanders	Towns
Otter	Sandlin	Turner (OH)
Oxley	Saxton	Turner (TX)
Pallone	Schakowsky	Turner (CO)
Pascarell	Schiff	Udall (NM)
Pastor	Schrock	Upton
Paul	Scott (GA)	Van Hollen
Payne	Scott (VA)	Velazquez
Pearce	Sensenbrenner	Walden (OR)
Pelosi	Serrano	Walsh
Pence	Shadegg	Wamp
Peterson (MN)	Shaw	Waters
Peterson (PA)	Shays	Watson
Petri	Sherman	Watt
Pickering	Sherwood	Waxman
Pitts	Shimkus	Weldon (FL)
Platts	Shuster	Weldon (PA)
Pombo	Simmons	Weller
Pomeroy	Simpson	Wicker
Porter	Skelton	Wilson (NM)
Portman	Smith (MI)	Wilson (SC)
Price (NC)	Smith (NJ)	Wolf
Quinn	Smith (TX)	Woolsey
Radanovich	Smith (WA)	Wu
Rahall	Snyder	Wynn
Rangel	Solis	Young (AK)
Regula	Souder	Young (FL)
Rehberg	Spratt	

NOT VOTING—52

Ackerman	Fletcher	Pryce (OH)
Barton (TX)	Ford	Putnam
Becerra	Gallely	Ramstad
Bell	Gephardt	Reyes
Brady (PA)	Gingrey	Rogers (KY)
Brown, Corrine	Gutierrez	Roybal-Allard
Burr	Harman	Sessions
Capps	Hoeffel	Slaughter
Carson (OK)	LaHood	Stark
Case	Leach	Stenholm
Clay	Lewis (GA)	Taylor (MS)
Coble	Lucas (OK)	Visclosky
Davis (CA)	Manzullo	Vitter
Davis (FL)	Marshall	Weiner
Delahunt	McCarthy (NY)	Wexler
Doggett	Neal (MA)	Whitfield
Doolittle	Northup	
Fattah	Owens	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DUNCAN) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1906

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. DAVIS of California. Mr. Speaker, on rollcall No. 564, had I been present, I would have voted "yea."

AMENDING TITLE XXI OF THE SOCIAL SECURITY ACT

The SPEAKER pro tempore. The pending business is the question of sus-

pending the rules and passing the bill, H.R. 3288.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 3288, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 52, as follows:

[Roll No. 565]

YEAS—382

Abercrombie	Deal (GA)	Isakson
Aderholt	DeFazio	Israel
Akin	DeGette	Issa
Alexander	DeLauro	Istook
Allen	DeLay	Jackson (IL)
Andrews	DeMint	Jackson-Lee
Baca	Deutsch	(TX)
Bachus	Diaz-Balart, L.	Janklow
Baird	Diaz-Balart, M.	Jefferson
Baker	Dicks	Jenkins
Baldwin	Dingell	John
Ballance	Dooley (CA)	Johnson (CT)
Ballenger	Doyle	Johnson (IL)
Barrett (SC)	Dreier	Johnson, E. B.
Bartlett (MD)	Duncan	Johnson, Sam
Bass	Dunn	Jones (NC)
Beauprez	Edwards	Jones (OH)
Bereuter	Ehlers	Kanjorski
Berkley	Emanuel	Kaptur
Berman	Emerson	Keller
Berry	Engel	Kelly
Biggert	English	Kennedy (MN)
Billirakis	Eshoo	Kennedy (RI)
Bishop (GA)	Etheridge	Kildee
Bishop (NY)	Evans	Kilpatrick
Bishop (UT)	Everett	Kind
Blackburn	Farr	King (IA)
Blumenauer	Feeney	King (NY)
Blunt	Ferguson	Kingston
Boehlert	Filner	Kirk
Boehner	Flake	Klecza
Bonilla	Foley	Kline
Bonner	Forbes	Knollenberg
Bono	Fossella	Kolbe
Boozman	Frank (MA)	Kucinich
Boswell	Franks (AZ)	Lampson
Boucher	Frelinghuysen	Langevin
Boyd	Frost	Lantos
Bradley (NH)	Garrett (NJ)	Larsen (WA)
Brady (TX)	Gerlach	Larson (CT)
Brown (OH)	Gibbons	Latham
Brown (SC)	Gilchrest	LaTourette
Brown-Waite,	Gillmor	Lee
Ginny	Gonzalez	Levin
Burgess	Goode	Lewis (CA)
Burns	Goodlatte	Lewis (KY)
Burton (IN)	Gordon	Linder
Buyer	Goss	Lipinski
Calvert	Granger	LoBiondo
Camp	Graves	Lofgren
Cannon	Green (TX)	Lowe
Capito	Green (WI)	Lucas (KY)
Capuano	Greenwood	Lynch
Cardin	Grijalva	Majette
Cardoza	Gutknecht	Maloney
Carson (IN)	Hall	Manzullo
Carter	Harris	Markley
Castle	Hart	Matheson
Chabot	Hastings (FL)	Matsui
Chocola	Hastings (WA)	McCarthy (MO)
Clyburn	Hayes	McCollum
Cole	Hayworth	McCotter
Collins	Hefley	McCrery
Conyers	Hensarling	McDermott
Cooper	Herger	McGovern
Costello	Hill	McHugh
Cox	Hinchey	McInnis
Cramer	Hinojosa	McIntyre
Crane	Hobson	McKeon
Crenshaw	Hoekstra	McNulty
Crowley	Holden	Meehan
Cubin	Holt	Meek (FL)
Culberson	Honda	Meeks (NY)
Cummings	Hooley (OR)	Menendez
Cunningham	Hostettler	Mica
Davis (AL)	Houghton	Michaud
Davis (CA)	Hoyer	Millender-
Davis (IL)	Hulshof	McDonald
Davis (TN)	Hunter	Miller (FL)
Davis, Jo Ann	Hyde	Miller (MI)
Davis, Tom	Inslee	Miller (NC)

Miller, Gary	Rangel	Spratt
Miller, George	Regula	Stearns
Mollohan	Rehberg	Strickland
Moore	Renzi	Stupak
Moran (KS)	Reynolds	Sullivan
Moran (VA)	Rodriguez	Sweeney
Murphy	Rogers (AL)	Tancredo
Murtha	Rogers (MI)	Tanner
Musgrave	Rohrabacher	Tauscher
Myrick	Ros-Lehtinen	Tauzin
Nadler	Ross	Taylor (NC)
Napolitano	Rothman	Terry
Nethercutt	Royce	Thomas
Neugebauer	Rush	Thompson (CA)
Ney	Ryan (OH)	Thompson (MS)
Norwood	Ryan (WI)	Thornberry
Nunes	Ryun (KS)	Tiahrt
Nussle	Sabo	Tiberi
Oberstar	Sanchez, Linda	Tierney
Obey	T.	Toomey
Olver	Sanchez, Loretta	Towns
Ortiz	Sanders	Turner (OH)
Osborne	Sandlin	Turner (TX)
Ose	Saxton	Udall (CO)
Otter	Schakowsky	Udall (NM)
Oxley	Schiff	Upton
Pallone	Schrock	Van Hollen
Pascarell	Scott (GA)	Velazquez
Pastor	Scott (VA)	Walden (OR)
Paul	Sensenbrenner	Walsh
Payne	Serrano	Wamp
Pearce	Shadegg	Waters
Pelosi	Shaw	Watson
Pence	Shays	Watt
Peterson (MN)	Sherman	Waxman
Peterson (PA)	Sherwood	Weldon (FL)
Petri	Shinkus	Weldon (PA)
Pickering	Shuster	Weller
Pitts	Simmons	Wicker
Platts	Simpson	Wilson (NM)
Pombo	Skelton	Wilson (SC)
Pomeroy	Smith (MI)	Wolf
Porter	Smith (NJ)	Woolsey
Portman	Smith (TX)	Wu
Price (NC)	Smith (WA)	Wynn
Quinn	Snyder	Young (AK)
Radanovich	Solis	Young (FL)
Rahall	Souder	

NOT VOTING—52

Ackerman	Fletcher	Putnam
Barton (TX)	Ford	Ramstad
Becerra	Galleghy	Reyes
Bell	Gephardt	Rogers (KY)
Brady (PA)	Gingrey	Roybal-Allard
Brown, Corrine	Gutierrez	Ruppersberger
Burr	Harman	Sessions
Cantor	Hoeffel	Slaughter
Capps	LaHood	Stark
Carson (OK)	Leach	Stenholm
Case	Lewis (GA)	Taylor (MS)
Clay	Lucas (OK)	Visclosky
Coble	Marshall	Vitter
Davis (FL)	McCarthy (NY)	Weiner
Delahunt	Neal (MA)	Wexler
Doggett	Northup	Whitfield
Doolittle	Owens	
Fattah	Pryce (OH)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DUNCAN) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1922

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBER TO COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore. Pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 Note), amended by section 681(b) of the Foreign Relations Au-

thorization Act, fiscal year 2003 (22 U.S.C. 2651 Note), the order of the House of January 8, 2003, and upon the recommendation of the minority leader, the Speaker appointed the following member on the part of the House to the Commission on International Religious Freedom for a 1-year term ending May 14, 2004, to fill the existing vacancy thereon:

Ms. Patricia W. Chang, San Francisco, California.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 2535, ECONOMIC DEVELOPMENT ADMINISTRATION REAUTHORIZATION ACT OF 2003

Mrs. BLACKBURN. Mr. Speaker, I ask unanimous consent that it shall be in order anytime without intervention of any point of order to consider in the House H.R. 2535; the bill shall be considered as read for amendment; the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendment that I have placed at the desk, shall be considered as adopted; all points of order against the bill, as amended, shall be waived; the previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except, one, 1 hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure; and, two, one motion to recommit, with or without instructions; and the amendment that I have placed at the desk shall be considered as read for purposes of this unanimous consent request.

The text of the amendment is as follows:

Page 15, line 25, strike the closing quotation marks and the final period and insert the following:

“(4) PRESERVATION OF SECURITIES LAWS.—“(A) NOT TREATED AS EXEMPTED SECURITIES.—No securities issued pursuant to paragraph (2)(C) shall be treated as exempted securities for purposes of the Securities Act of 1933 or the Securities Exchange Act of 1934, unless exempted by rule or regulation of the Securities and Exchange Commission.

“(B) PRESERVATION.—Except as provided in subparagraph (A), no provision of this subsection or any regulation issued by the Secretary under this subsection shall supersede or otherwise affect the application of the securities laws (as such term is defined in section 2(a)(47) of the Securities Exchange Act of 1934) or the rules, regulations, or orders of the Securities and Exchange Commission or a self-regulatory organization thereunder.”.

Page 24, line 2, strike the period at the end and insert the following:

; except that recipients may use grant funds awarded under this section for the administrative costs of economic development activities.

Page 25, line 15, strike the period at the end and insert the following:

; except that recipients may use grant funds awarded under this section for the adminis-

trative costs of economic development activities.

At the end of the bill, add the following:

TITLE VIII—APPALACHIAN REGIONAL DEVELOPMENT

SEC. 801. ADDITIONS TO APPALACHIAN REGION.

(a) KENTUCKY.—Section 14102(a)(1)(C) of title 40, United States Code, is amended—

(1) by inserting “Nicholas,” after “Morgan,”; and

(2) by inserting “Robertson,” after “Pulaski,”.

(b) OHIO.—Section 14102(a)(1)(H) of such title is amended—

(1) by inserting “Ashtabula,” after “Adams,”;

(2) by inserting “Fayette,” after “Coshocton,”;

(3) by inserting “Mahoning,” after “Lawrence,”; and

(4) by inserting “Trumbull,” after “Scioto,”.

(c) TENNESSEE.—Section 14102(a)(1)(K) of such title is amended—

(1) by inserting “Giles,” after “Franklin,”; and

(2) by inserting “Lawrence, Lewis, Lincoln,” after “Knox,”.

(d) VIRGINIA.—Section 14102(a)(1)(L) of such title is amended—

(1) by inserting “Henry,” after “Grayson,”; and

(2) by inserting “Patrick,” after “Montgomery,”.

SEC. 802. AUTHORIZATION OF APPROPRIATIONS.

Section 14703(a) of title 40, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

“(1) \$88,000,000 for each of fiscal years 2002 and 2003.

“(2) \$91,000,000 for fiscal year 2004.

“(3) \$93,000,000 for fiscal year 2005.

“(4) \$95,000,000 for fiscal year 2006.”.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003.

Mr. MARKEY. Mr. Speaker, subject to rule XXII, clause 7, I hereby announce my intention to offer a motion to instruct on H.R. 6, the Energy Policy Act.

The form of the motion is as follows:

Mr. MARKEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 6 be instructed to insist upon the provisions contained in—

(1) section 14011 of the House bill relating to secure transfer of nuclear materials;

(2) section 14012(d) of the House bill relating to nuclear facility threats, directing the Nuclear Regulatory Commission to issue regulations, including changes to the design basis threat, to ensure that nuclear facilities licensed by Commission address the threat of a terrorist attack against such facilities; and

(3) section 14013 of the House bill requiring the Nuclear Regulatory Commission, before entering into any agreement of indemnification with respect to a utilization facility under section 170 of the Atomic Energy Act of 1954, to consult with the Assistant to the President for Homeland Security (or any successor official) with respect to that facility concerning whether the location of the facility and the design of that type of facility ensures that the facility provides for the